IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2876 of 2005

Between:

V. Venkatesh S/o. Late Rangappa,
R/o. 4-6-8, 6th Ward, Yadki, Ananthapur District.

..... PETITIONER

AND

1. APSRTC, Musheerabad, Hyderabad, Rep. by its Managing

Director,
2 The Depot Manager, APSRTC, Bus Depot, Tadipatri,

Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction particularly one in the nature of WRIT OF CERTIORARI, quash the impugned Proc.No. 01/2(14)/1994-TDP dt. 22-4-2003 in ordering that the increment next fall due to postponed for a period of (2) years with cumulative effect on future increments as arbitrary, illegal, in violation of Art. 14,16 & 21 of the Constitution of India and consequently direct the respondents to restore the deferred increments along with all consequential benefits.

Counsel for the Petitioner:MR.V.NARASIMHA GOUD

Counsel for the Respondent Nos.1 and 2: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following O R D E R:

Challenging the impugned proceedings dated 22.04.2003, the petitioner filed the present writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

There cannot be any dispute that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry. After submitting the enquiry report dated 04.03.2003, the disciplinary authority without issuing any show cause notice to the petitioner straightaway passed the impugned proceedings. As no opportunity was afforded to the petitioner to offer explanation, the order under challenge suffers from serious legal infirmities and is liable to be set aside.

The impugned proceedings dated 22.04.2003 are set aside and the matter is remitted to the second respondent to issue a show cause notice to the petitioner proposing the punishment to be imposed. After receiving explanation to the said show cause notice, the second respondent shall take appropriate decision in accordance with law.

Accordingly the writ petition is allowed. It is also made clear the disciplinary authority shall furnish a copy of the enquiry report dated 04.03.2003 to the petitioner.

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(K.C.BHANU,J)

Dt:17.03.2005

usd

To

1. The Managing Director, APSRTC, Musheerabad, Hyderabad.

2 The Depot Manager, APSRTC, Bus Depot, Tadipatri,

Ananthapur District.

3 Two CD copies.